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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,752	01/05/2001	Terry L. Williams	6785-120	3897

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/755,752

Applicant(s)

WILLIAMS, TERRY L.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-10, 12-14, 17-22 and 24, are rejected under 35 U.S.C. 102(e) as being anticipated by Yee et al. (US Patent 6,300,881).

Regarding claims 1 and 13, Yee et al. disclose a wireless cellular communication system comprising a cellular base station (see col.2 lines 39-40) and at least one repeater (50) communicating over a wireless backhaul link for communicating with a plurality of mobile subscribers, a method for improved backhaul efficiency, comprising the steps of:

dynamically assigning for said backhaul link at least one packet channel for transmission of selected packets containing traffic data on a backhaul signal for a subscriber, said at least one packet channel comprising at least an RF frequency and a channel definition (see col.3 lines 7-15 and col.5 line 40 through col.7 line 14, "multi channel backhaul station" corresponds to "dynamically assigning for backhaul link"); and

transmitting said selected packets on said at least one packet channel between said at least one repeater and said cellular base station (see col.5 lines 40-53).

Regarding claims 2 and 14, Yee et al. disclose the step of performing said assigning step in response to a request for communicating over said backhaul signal for one of said plurality of mobile subscribers (see col.5-6).

Regarding claims 6 and 18, Yee et al. disclose channel definition includes a set of parameters which defining said packet channel, said parameters comprising at least one of:

a number of selected packets which can be sent over said assigned packet channel (see col.6 lines 46-67).

Regarding claims 7 and 19, Yee et al. disclose channel definition further includes an identified time for transmission of said selected packets (see col.7 lines 32-40).

Regarding claims 8 and 20, Yee et al. disclose backhaul signal comprises at least one selected from the group consisting of user traffic and control data (see col.9 line 41 through col.10 line 5).

Regarding claims 9 and 21, Yee et al. disclose user traffic is comprised of voice traffic (see col.10 lines 4-5)

Regarding claims 10 and 22, Yee et al. disclose packets are transmitted over said backhaul link using a higher order modulation (see col.3 lines 7-15, RF links in GigaHertz frequency range inherently having a higher order modulation).

Regarding claims 5 and 17, Yee et al. disclose the step of dynamically reassigning at least a portion of said assigned packet channel for transmission of a second backhaul signal (see col.5 line 40 through col.6 line 67).

Regarding claims 12 and 24, Yee et al. disclose at least one repeater comprises a plurality of repeaters, wherein one of said at least one packet channel is used to transmit packets between multiple repeaters selected from said plurality of repeaters and further in view of said cellular base station (see col.2 lines 44-67).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. in view of Pierce et al. (US Patent 5,666,364).

Regarding claims 3-4 and 15-16, Yee et al. fail to disclose a comparing step said data priority fields are compared to determined whether to terminate transmission of a lower priority transmission to allow transmission of a higher priority transmission.

Pierce et al. disclose a comparing step wherein said data priority fields are compared to determined whether to terminate transmission of a lower priority transmission to allow transmission of a higher priority transmission (see col.3 lines 55-66). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yee et al. with the above teaching of Pierce et al. in order to allow subscriber to assign priority levels and/or coming-call options with regard to the particular call types serviced by an associated network entity.

7. Claims 11 and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. in view of Dutta (US Patent 5,923,648).

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Regarding claims 11 and 23, Yee et al. fail to disclose the step of converting between a packet based backhaul signal and a non-packet based ground link signal (see col.8 lines 57-61).

Dutta discloses the step of converting between a packet based backhaul signal and a non-packet based ground link signal (see col.8 lines 57-61). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yee et al. with the above teaching of Dutta in order to provide conversion voice signal into frame format for packet transmission.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
February 25, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER